

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Plaintiff,

V.

Case No. 1:25-cv-11048-ADB

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*

Defendants.

DECLARATION OF EFSTATHIA FRAGOIANNIS

I, Efstathia Fragogiannis, hereby declare under penalty of perjury that the following is true and correct:

1. I am the Director of the Contracts Management Office (CMO) and Senior Procurement Executive for the Department of Defense's (DoD) Defense Advanced Research Projects Agency (DARPA). In this capacity, I provide oversight and guidance for DARPA's CMO, which is responsible for the execution of approximately 3,000 contracts, grants, cooperative agreements, and Other Transactions Agreements awarded and administered in pursuit of DARPA's research and development mission. I have served in this role since October 2022 when I began working at DARPA. Prior to becoming the CMO Director, I served as the Executive Director of Acquisitions and Head of the Contracting Activity (HCA) for the National Guard Bureau beginning in October 2020. For the previous seventeen years, I served in various contracting positions with the Army, United

States Army Security Assistance Command, and the Department of Defense. I make this declaration based on information personally known to me and conveyed to me in my official capacity.

2. On May 12, 2025, the Secretary of Defense issued a letter to Harvard, notifying the university that certain grant and cooperative agreements awarded to Harvard would be terminated. The letter's enclosed list of agreements slated for termination included two DARPA cooperative agreements. One of the two cooperative agreements, HR00112420367, is in support of the Assured Microbial Preservation in Harsh or Remote Areas (AMPHORA) program. The AMPHORA program seeks to increase knowledge of emerging biological threats.
3. On May 13, 2025, DARPA sought an exemption from termination for HR00112420367 because of the agreement's support of national security priorities, including biological threat intelligence and medical countermeasure development.
4. On May 16, 2025, DoD approved a termination exemption for HR00112420367. Consequently, DARPA never issued a notice of termination letter to Harvard for HR00112420367. To date, the agreement remains active.
5. On May 21, 2025, May 22, 2025, and June 27, 2025, DARPA informed Harvard via email that the agreement remains active and that it should continue to perform work on the AMPHORA project under HR00112420367. As such, Harvard has continued to perform work pursuant to that agreement, for which DARPA has paid, including the July 8, 2025, payment for work performed from May 1 to 31.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 14th day of July, 2025, at Arlington, Virginia.

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Efstathia Fragogiannis